

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

HOLOCAUST VICTIM ASSETS
LITIGATION

This document relates to: All Cases

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161 and
CV 97-461)

MEMORANDUM & ORDER

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ APR 13 2007 ★
BROOKLYN OFFICE

Korman, Chief Judge:

I am in receipt of the March 8, 2007 Report and Recommendations of the International Organization for Migration (IOM) for the Seventh Group of Payments to Legal Successors in In Re Holocaust Victim Assets Litigation (Swiss Banks) ("Seventh IOM Legal Successor Report") which includes claims that were either approved for payment by the German Foundation and/or that satisfy target group requirements and that are recommended for approval by this Court in this group as indicated in the Seventh IOM Legal Successor Report. The Seventh IOM Legal Successor Report advises that, in accordance with the Distribution Plan, my Memorandum & Order dated June 28, 2001, and my Memorandum & Order dated September 25, 2002, IOM will be prepared, on or about March 15, 2007 to begin to transfer payments to 592 eligible legal successors for 458 eligible deceased victims in Slave Labour Class I, Slave Labour Class II or Refugee Class.

All of the 443 deceased victims in Slave Labour Class I who are described in the Seventh IOM Legal Successor Report satisfy the eligibility criteria for Slave Labour Class I as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders. Each eligible deceased victim described in the Seventh IOM Legal Successor Report was a member of a target group and performed slave labour for the Nazi regime.

All of the 8 deceased victims in Slave Labour Class II who are described in the Seventh IOM Legal Successor Report satisfy the eligibility criteria for Slave Labour Class II as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders. Each eligible deceased victim either was included in the Slave Labour Class II Name List or plausibly demonstrated that he/she had performed slave labour for the Nazi regime in a company listed in the Slave Labour Class II list of entities seeking release under the Swiss Banks Settlement.

All of the 7 deceased victims in Refugee Class who are described in the Seventh IOM Legal Successor Report satisfy the eligibility criteria for Refugee Class as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders. It was plausibly demonstrated that each eligible deceased victim was denied entry into or expelled from Switzerland (Category 1).

All of the 592 legal successors described in the Seventh IOM Legal Successor Report satisfy the eligibility criteria for legal successors as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders as well as the criteria of the German Foundation Act, as it is applied to legal succession in the Swiss Banks programmes. All legal successors in the Seventh IOM Legal Successor Group have proven that the deceased victims died later than 15 February 1999. All legal successors have also proven that they informed IOM of their right to legal succession within the required notice period, have provided proof of relationship to the respective deceased victims and are the closest heirs, in accordance with the eligibility succession specified under the German Foundation Act.

In the interest of privacy, the names and other identification information relating to all eligible deceased victims and their respective eligible legal successors included herein have been filed with the Court under seal in appendix ("HVAP LS List VII") accompanying the Seventh IOM Legal Successor Report.

Accordingly, in anticipation of the forthcoming distribution of awards as follows:

USD 1,450 for each of 443 Slave Labour Class I victims deceased on or after 16 February 1999 whose claims have been submitted to this Court for approval of payment awards to be distributed to 565 eligible legal successors of those deceased eligible victims;

USD 1,450 for each of 8 Slave Labour Class II victims deceased on or after 16 February 1999 whose claims have been submitted to this Court for approval of payment awards to be distributed to 14 eligible legal successors of those eligible deceased victims;

USD 3,625 for 7 Refugee Class victims deceased on or after 16 February 1999 whose claim has been submitted to this Court for approval of payment awards to be distributed to one 13 eligible legal successors of this eligible deceased victims;

and

who comprise the seventh group of legal successor payees ("HVAP LS List VII"), it is hereby

ORDERED that the signatories to the Settlement Fund are hereby directed to transfer USD 571,300 from the Settlement Fund to the IOM-HVAP Citibank Geneva Account to pay the 499 eligible legal successors on behalf of 385 deceased eligible victims whose claims are listed in HVAP LS List VIIa appended to the Seventh IOM Legal Successor Report, and are hereby considered as approved for payment;

and

ORDERED that IOM pay the 93 eligible legal successors on behalf of 73 deceased eligible victims whose claims are listed in HVAP LS List VIIb appended to the Seventh IOM Legal Successor Report, and that were already approved in

previous HVAP Payment Groups, a total of USD 108,025, already transferred from the Settlement Fund to the IOM-HVAP Citibank Geneva Account to meet the projected distribution, as described in the Seventh IOM Legal Successors Report.

SO ORDERED:

S S / Edward R. Korman

Edward R. Korman
United States District Judge

Dated: Brooklyn, New York
March 13, 2007